

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION

UNITED STATES OF AMERICA

v.

No. 6:25-mj-003-BU

RUBISEL HERNANDEZ-LEYVA

MOTION FOR PRETRIAL DETENTION
MOTION TO CONTINUE DETENTION HEARING

The United States asks for the pretrial detention of Defendant under Title 18,
United States Code, Sections 3142(e) and 3142(f).

1. **Eligibility of Case.** This case is eligible for a detention order under 18 U.S.C. § 3142(f) because it is a case that involves:

- _____ A crime of violence as defined in 18 U.S.C. § 3156(a)(4), violation of section 1591, or federal crime of terrorism for which the maximum sentence is 10 years or more. (18 U.S.C. § 3142(f)(1)(A)).
- _____ An offense for which the maximum sentence is life imprisonment or death. (18 U.S.C. § 3142(f)(1)(B)).
- _____ A Controlled Substances Act offense for which the maximum sentence is 10 years or more. (18 U.S.C. § 3142(f)(1)(C)).
- _____ A felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. § 3142(f)(1)(A)-(C), or comparable state or local offenses. (18 U.S.C. § 3142(f)(1)(D)).
- _____ A felony that involves a minor victim or failure to register as a sex offender. (18 U.S.C. § 3142(f)(1)(E)).
- _____ A felony that involves the possession or use of a firearm, destructive device, or any other dangerous weapon. (18 U.S.C. § 3142(f)(1)(E)).
- X A serious risk defendant will flee. (18 U.S.C. § 3142(f)(2)(A)).
- _____ A serious risk defendant will obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate a prospective witness or juror. (18 U.S.C. § 3142(f)(2)(B)).

2. **Reason for Detention.** The Court should detain defendant, under 18 U.S.C. § 3142(e), because no condition or combination of conditions will reasonably assure:

☒ Defendant's appearance as required.
☐ Safety of any other person and the community.

3. **Rebuttable Presumption.** The United States will invoke the rebuttable presumption against defendant under 18 U.S.C. § 3142(e). The presumption applies because there is:

☐ A Controlled Substances Act offense for which the maximum sentence is 10 years or more. (18 U.S.C. § 3142(e)(3)(A)).
☐ An offense under Title 18, United States Code, Sections 924(c), 956(a), or 2332b. (18 U.S.C. § 3142(e)(3)(B)).
☐ A federal crime of terrorism for which the maximum sentence is 10 years or more. (18 U.S.C. § 3142(e)(3)(C)).
☐ An offense in Chapter 77 of Title 18 (human trafficking) for which the maximum sentence is 20 years or more. (18 U.S.C. § 3142(e)(3)(D)).
☐ Previous conviction for "eligible" offense committed while on pretrial bond. (18 U.S.C. § 3142(e)(2)).
☐ A qualifying offense involving a minor victim. (18 U.S.C. § 3142(e)(3)(E)).

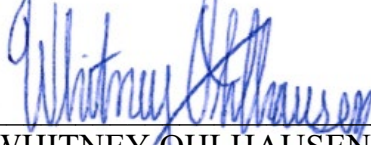
4. **Time for Detention Hearing.** The United States requests the Court conduct the detention hearing:

☐ At first appearance.
☐ After continuance of three days.
☒ After continuance of ten days.

5. **Eligibility for 10-Day Temporary Detention:** The court may temporarily detain the defendant to permit revocation of conditional release, deportation, or exclusion because:
- A. i) _____ The defendant is, and was at the time the offense was committed:
- _____ on release pending trial for a felony under federal, state, or local law (18 U.S.C. § 3142(d)(1)(A)(i));
- _____ on release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence, for any offense under federal, state, or local law (18 U.S.C. § 3142(d)(1)(A)(ii));
- _____ on probation or parole for any offense under federal, state, or local law (18 U.S.C. § 3142(d)(1)(A)(iii)); or
- ii) X The defendant is not a citizen of the United States or lawfully admitted for permanent residence as defined at 8 U.S.C. § 1101(a)(20) (18 U.S.C. § 3142(d)(1)(B));
- B. And the defendant:
- X may flee; or
- _____ pose a danger to any other person or the community.

Respectfully submitted,

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